

# Notice of Allowability

Application No.

10/790,382

Examiner

Tuan C. To

Applicant(s)

LAVERICK ET AL.

Art Unit

3663

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 07/18/2006.
2. ☒ The allowed claim(s) is/are 14-20 and 24-27.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 06/02/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

Patent Examiner,

*Tuan C. To*

TUAN C TO

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address : COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO/ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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20060926

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David L. Terrell on 09/26/2006:

The non-elected claims 1-13, and 21-23 have been cancelled.

### **EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE**

This communication is an Examiner's reasons for allowance in response to application filed on 03/01/2004, assigned serial 10/790,382 and titled "Navigational Device for Installation in a Vehicle and a Method for Doing same".

The following is the Examiner's statement of reasons for the indication of allowable subject matter:

The applicant's amendment and arguments filed on 07/18/2006 have been fully considered. After carefully reconsidering the application and the applied prior art, the examiner has realized the current application is patentably distinct from the prior art. The prior art are not deemed strong to make the application unpatentable.

The references to Chang and Hashida are applied in the previous rejection. However, after carefully studying the cited prior art, the examiner has realized neither Chang nor Hashida fairly discloses or suggests "amounting assembly mounted in an open port of a vehicle resulting from removal of a non-navigational component, the

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mounting assembly mounting the navigational device and generally linearly raising and lowering the mounted navigational device between at least two linear viewing positions, such that in a first, raised position, only a lower portion of the display may be viewed, and in a second, lowered position, substantially all of the display may be viewed”, “a mounting assembly for mounting the housing within the open port and configured such that the housing may be linearly raised and lowered between at least two linear viewing positions, wherein in a first, raised position, approximately one-thirds to three fourths of the housing is positioned within the open port, and in a second, lowered position, approximately none to one-half of the housing is positioned within the open port, and further such that the housing may be pivoted left and right relative to the open port”.

The cited prior art also fail to disclose: “a mounting assembly mounted in an open port of a vehicle resulting from removal of a non-navigational component, the mounting assembly including a support plate riding up and down a generally linear stem to generally linearly raise and lower the mounted navigational device among three generally linear viewing positions, such that in a first, stowed position, substantially none of the display can be viewed, in a second, intermediate position, only a lower portion of the display may be viewed, and in a third, lowered position, substantially all of the display may be viewed”.

None of the prior art has been found fairly teaches or suggests such the limitations as now claimed. Therefore, claims 14-20, and 24-27 are now set in a condition of allowance.

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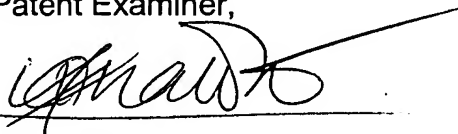
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner,

A handwritten signature in black ink, appearing to read 'Tuan C To', is written over a horizontal line.

Tuan C To

September 26, 2006